

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK SCHWEIKER, et al., :
Defendants : NO. 02-CV-2949

ORDER

AND NOW, this day of August, 2004, it is ORDERED that Defendants' Motion for Leave to take Plaintiffs' Depositions is GRANTED. Defendants' attorney is granted leave to take the depositions of the plaintiffs, listed below, at the correctional institution where they are confined:

Derrick Dale Fontroy, AY-7513
James S. Pavlichko, DK-0199
Theodore B. Savage, CB-2674
Aaron Christopher Wheeler, BZ-2590.

BY THE COURT:

TIMOTHY J. SAVAGE, J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DERRICK DALE FONTROY, et al., : CIVIL ACTION
Plaintiffs :
v. :
GOVERNOR MARK SCHWEIKER, et al., :
Defendants : NO. 02-CV-2949

**DEFENDANTS' MOTION FOR LEAVE
TO TAKE PLAINTIFFS' DEPOSITIONS**

Defendants hereby move the Court pursuant to Fed.R.Civ.P. 30(a)(2) for leave to take the depositions of each of the plaintiffs, and assert in support of this motion:

1. Plaintiffs are all inmates confined at the State Correctional Institution at Graterford.
2. Defendants have determined that they need to depose the plaintiffs to clarify and learn specifics about their claims.
3. Federal Rule of Civil Procedure 30(a)(2) requires leave of court if the person to be examined is confined in prison.

WHEREFORE, defendants request that the Court grant them leave to take plaintiffs' depositions at the correctional institution where they are confined.

GERALD J. PAPPERT
Attorney General of Pennsylvania

By: s/ John O. J. Shellenberger

John O. J. Shellenberger
Chief Deputy Attorney General
Attorney I.D. No. 09714
Attorney for Defendants

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603
Phone: (215) 560-2940
Fax: (215) 560-1031

CERTIFICATE OF SERVICE

I, John O. J. Shellenberger, hereby certify that Defendants' Motion for Leave to take Plaintiffs' Depositions has been filed electronically and is available for viewing and downloading from the Court's Electronic Case Filing System. I further certify that a true and correct copy of the Defendants' Motion for Leave to take Plaintiffs' Depositions was e-mailed on August 17, 2004 to:

Teri B. Himebaugh, Esquire
220 Stallion Lane
Schwenksville PA 19473
thimebaughesq@earthlink.net

s/ John O. J. Shellenberger

John O. J. Shellenberger
Chief Deputy Attorney General
Attorney I.D. No. 09714

Office of Attorney General
21 S. 12th Street, 3rd Floor
Philadelphia, PA 19107-3603
Phone: (215) 560-2940
Fax: (215) 560-1031